

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**MICHAEL JOHN LUTHER GRIFFIN,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:17-CV-89  
(GROH)**

**PIERRE LECONTE, Acting  
Residential Reentry Manager,  
EMILY GILLESPIE, Director  
of Dismas Charities, and  
DISMAS CHARITIES,  
Residential Reentry Center,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge Robert W. Trumble. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued an R&R [ECF No. 9] on January 2, 2018. In the R&R, Judge Trumble recommends that the Plaintiff's complaint be dismissed.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and

of a Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the *pro se* Petitioner on April 24, 2018. ECF No. 10. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline for the Petitioner to submit objections to the R&R has passed. No objections have been filed. Accordingly, this Court will review the R&R for clear error.


Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 9] should be, and is hereby, **ORDERED ADOPTED**.

The Plaintiff's Motion to proceed without prepayment of fees [ECF No. 2] is **DENIED AS MOOT**. The Plaintiff's complaint is hereby **DISMISSED WITH PREJUDICE** as to Emily Gillispie and Dismas Charities and **DISMISSED WITHOUT PREJUDICE** as to Pierre Leconte for the reasons more fully stated therein.

This matter is **ORDERED STRICKEN** from the Court's active docket.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

**DATED:** May 15, 2018

  
GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE